IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25198 of 2004

Between:

S.R.Y. Harshavardhana Prasad, S/o. Late Sri S.R.Y. Ramakrishna Prasad, Challapalli, Krishna District.

... PETITIONER

AND

1 The Revenue Divisional Officer, Bandar, Krishna District.
2 The Joint Collector, Machilipatnam, Krishna District.
3 The Land Reforms Tribunal, rep. by its Presiding Officer, Chilkalapudi, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the impugned notice in C.C.No.3048/DD/75, dated. 13.12.2004 of the 1st respondent in directing the petitioner to be present on 20.12.2004 and the same is adjourned to 3.1.2005 before the 1st respondent for surrender of an extent of 0.7692 standard extent of land belongs to the petitioner as illegal, arbitrary and consequently to set aside the same and pass appropriate orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner:MR.V.T.M.PRASAD, Advocate

For the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Questioning the impugned notice issued by the first respondent-Revenue Divisional Officer in C.C. No.3048/DD/75, dated 13-12-2004 directing the petitioner to be present before him on 20-12-2004 for surrender of the land to an extent of 0.7692 standard holdings as per the judgment of third respondent passed in C.C. No.3048/DD/75 in the year 1988 declaring the father of the petitioner being in excess of 0.7692 standard holdings, as illegal and arbitrary, the petitioner filed the present writ petition stating that the first respondent has no authority to issue the impugned notice and that too without furnishing a copy of the judgment.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Having regard to the facts and circumstances of the case, the petitioner is directed to submit a reply to the impugned notice, dated
13-12-2004 issued by the first respondent, in which he is at liberty to take the plea that the first respondent has no authority or jurisdiction to issue such a notice, and on such submission, the first respondent shall consider the same and pass appropriate orders thereon in accordance with law. Till such time, status quo existing as on today shall be maintained. If any application is filed by the petitioner to issue a copy of judgment in C.C. No.3048/DD/75, the first respondent shall issue the same on payment of requisite fees.

Accordingly, the writ petition is disposed of at the stage of admission.

SD/- B.V.S.SAI PRASAD

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Revenue Divisional Officer, Bandar, Krishna District.
2 The Joint Collector, Machilipatnam, Krishna District.
3 The Presiding Officer, Land Reforms Tribunal,
Chilkalapudi, Machilipatnam, Krishna District.

4 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, A.P.,Hyderabad (OUT).

5 Two C.D. copies

6. **One CC to Mr. V.T.M. Prasad, Advocate. (OPUC)**

P.M.

Dated: 31-12-2004

ORDER

WP.NO. 25198 OF 2004

Disposing of the Writ Petition

At the admission stage.